

## Message Text

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PAGE 01 GUATEM 05892 242335Z

15  
ACTION L-02

INFO OCT-01 ARA-06 ISO-00 TRSE-00 JUSE-00 CU-02 RSC-01

/012 W

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R 242310Z OCT 74  
FM AMEMBASSY GUATEMALA  
TO SECSTATE WASHDC 4798  
INFO AMEMBASSY MEXICO

LIMITED OFFICIAL USE GUATEMALA 5892

E.O. 11652: N/A  
TAGS: CFED, GT  
SUBJECT: GUATEMALA LAWSUIT AGAINST PAUL A. CLIFFORD AND DISTRICT  
DIRECTOR OF CUSTOMS

REF: STATE 227323

1. PURSUANT TO REQUEST CONTAINED IN REFTEL, EMBASSY  
APPROACHED MINISTRY OF FOREIGN RELATIONS. FONOFF,  
ALTHOUGH VERY ANXIOUS TO RECOVER THE ARTIFACTS, MADE  
NO COMMITMENT REGARDING COMITY, BUT RATHER ASKED  
EMBASSY TO POSE COMITY QUESTION IN FORM OF DIPLOMATIC  
NOTE.

2. FONOFF CALLED OUR ATTENTION TO A PROSECUTION  
BROUGHT BY USG IN CENTRAL DISTRICT OF CALIFORNIA.  
CLIVE HOLLINSHEAD AND JOHN B. FELL WERE TRIED,  
CONVICTED, AND SENTENCED IN APRIL 1973. COURT OF  
APPEALS FOR NINTH CIRCUIT HEARD ARGUMENTS ON MARCH 4, 1974,  
AND DECISION SHOULD HAVE BEEN HANDED DOWN  
BY NOW. MINISTRY APPEARED TO BELIEVE THAT PRECEDENT  
ESTABLISHED BY CASE WOULD BE HELPFUL TO GUATEMALA  
IN THE LOUISIANA LITIGATION.

3. EMBASSY NOTES THAT US LAW PRECLUDES IMPORTATION  
OF PRE-COLUMBIAN MONUMENTAL OR ARCHITECTURAL SCULPTURE  
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(TITLE 19, SECTIONS 2091 TO 2095 US CODE), UNLESS THE  
IMPORTED ARTICLE IS ACCOMPANIED BY A CERTIFICATE

FROM COUNTRY OF ORIGIN "WHICH CERTIFIES THAT SUCH  
EXPORATION WAS NOT IN VIOLATION OF LAWS OF THE  
COUNTRY." REGULATIONS ENACTED PURSUANT TO THIS LAW,  
CODIFIED IN TITLE 19 CFR, SECTIONS 12.105 TO 12.109,  
STATE THAT ANY "CARVING OR DECORATION WHICH HAD  
BEEN PART OF OR AFFIXED TO ANY MONUMENT OR  
ARCHITECTURAL STRUCTURE" FALLS WITHIN RANGE OF  
PROHIBITED ITEMS. OUR FONOFF CONTACT APPARENTLY  
DID NOT KNOW OF THIS LAW.

4. IN LIGHT OF LAW'S EXISTENCE AND POSSIBLE  
APPLICABILITY IN THIS CASE, DOES DEPARTMENT WISH US  
TO PURSUE COMITY QUESTION IN DIPLOMATIC NOTE?  
ANDREWS

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## Message Attributes

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**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
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**Draft Date:** 24 OCT 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** shawdg  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Subject:** GUATEMALA LAWSUIT AGAINST PAUL A. CLIFFORD AND DISTRICT DIRECTOR OF CUSTOMS  
**TAGS:** CFED, GT  
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